



***OIL RE-REFINING CO., INC.***  
***dba***  
***FUEL PROCESSORS, INC.***

***4150 North Suttle Road***  
***Portland, Oregon, 97217***

**EPA Region 10  
PCB Compliance Investigation Report**

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**Inspection Information**

**Facility Name:** Oil Re-Refining Company (ORRCO)

**EPA ID Number:** Non-Notified Commercial Operator

**Date of Investigation:** March 4<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>, 2010

**Inspection Type:** 6PF / NSR - US

**Inspection Team:** Bruce Long, USEPA Oregon Operations Office, Office of Compliance and Enforcement, Inspection and Enforcement Management Unit; 503-326-3686. [long.bruce@epa.gov](mailto:long.bruce@epa.gov). David Wall, Hazardous Waste Inspector, Oregon Department Of Environmental Quality, Portland, Oregon Northwest Regional Office; 503-229-6385, [wall.dave@deq.state.or.us](mailto:wall.dave@deq.state.or.us)

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**Site Contact Information**

**Contact Name/Title:** Ms. Ame LeCocq, Compliance Manager

**Owner:** Mr. Wilmer L. Briggs, President, CEO, and Owner

**Business Address:** 4150 N. Suttle Road, Portland, Oregon 97217

**Location Address:** 11535 N. Force Road, Portland, Oregon 97217

**Latitude:** 45.606426 **Longitudes:** -122.694167

**Mailing Address:** 4150 N. Suttle Road, Portland, Oregon 97217

**Phone Number:** 503-286-8553 Or 1-800-367-8894

**Fax Number:** 503-286-5027

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**Report Information**

**Report Start Date:** March 19, 2010

**Date Report Completed:** May 14, 2010

**Report Author Name:** Bruce Long

**Report Author Signature:** \_\_\_\_\_



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## Facility History

Oil Re-Refinery Company, Inc. (ORRCO) doing business as Energy Material Recovery, Inc. (EMRI) has been inspected by the Oregon Department of Environmental Quality (ODEQ) for the management of used oils and hazardous waste on numerous occasions, ORRCO has been found in violation of the State of Oregon's hazardous waste management rules following each inspection.<sup>1</sup> The Environmental Protection Agency last inspected the ORRCO's Suttle Road facility in the mid 1990s for management of used oils and PCBs. The ORRCO facility located on N. Force Road is a NPL Site. The N. Force Road facility was last inspected for PCB management activities in the late 1990's.

### Other media information:

Oil Re-Refinery Company, Inc. (ORRCO) operates under an Oregon RCRA Solid Waste Permit; ORSTATE06429. ORRCO is also subject to storm-water permit conditions and requirements under the Spill Prevention Counter Measures and Controls under the Clean Water Act. ORRCO, under multiple business names, is subject to RCRA Used Oil Management under 40 CFR 279 and the State's hazardous waste management rules. The following Table lists most of the EPA or State hazardous waste identification numbers used by OORCO.<sup>2</sup>

Table I – List of EPA and State ID Numbers Used by ORRCO and Subsidiaries

EPA or State ID No.	Business Name	Location
ORSTATE06429	EMRI	11535 N Force Rd Portland
ORD0987192978	EMRI	415 N. Suttle Rd Portland
ORD0071803985	EMRI- Harbor Oil	11535 N Force Ave. Portland
ORD000711929	Merit Oil	415 N. Suttle Rd Portland
ORD980975692	ORRCO - Fuel Processors	415 N. Suttle Rd Portland
ORQ000024941	ORRCO	Eugene, Oregon (Closed)
WAD988519419	ORRCO	Hoquiam, Washington
ORD980980775	ORRCO - Industrial Oil	Klamath Falls, Oregon
WAH000011577	ORRCO	Kennewick, Washington
ORD987197092	ORRCO	Medford, Oregon
ORD980978266	ORRCO	North Bend, Oregon
UTD982589459	ORRCO	Salt Lake City, Utah
WAH000011585	ORRCO	Spokane, Washington

Energy Material and Recovery, Inc. = EMRI

### TSCA Section 6(e) Notification:

Neither ORRCO, nor it subsidiaries have notified EPA of its PCB management activities which include the transportation, storage, treatment and disposal of PCBs at any of its facilities. At the time of this investigation, ORRCO has accumulated more than 500 gallon of PCB contaminated and PCB oils at its facilities in Goshen (Eugene), Klamath Falls, and both the Portland facilities.

<sup>1</sup> There is an open Notice of Civil Penalty Assessment and Order involving the transport, storage and disposal of a listed hazardous waste; Case No. LQ/HW-NWR-09-036.

<sup>2</sup> Attachment I has the RCRA ID information.

**Access:**

ORRCO has approximately five manned facilities in Region 10. There are the two facilities in Portland, one in Spokane, one in Klamath Falls, and one in Hoquiam, Washington. The other facilities are transfer operations and are visited by the route driver when oil is dropped off or picked up for transport to a manned facility. Some drivers store the route vehicles at these locations. Most of the manned facilities are open Monday through Friday 8:00 am to 5:00 pm. Some operations start earlier and stop later. All facilities are accessible via public roads. When accessing the two Portland facilities, you must go to the Suttle Road office first.

The focus of this inspection is at the facilities located at;

4150 North Suttle Road, Portland, Oregon  
11535 N. Force Avenue, Portland, Oregon

**Facility Map:**

Maps and aerial photographs of the facilities in Portland, Oregon are under the Attachment II.

**Weather:**

The weather at the time of this inspection was partly cloudy. It rained each day of our visit.



Oil Re-Refining Company (ORRCO) – PCB Investigation Status Report  
May 5, 2010

Background:

On or around February 26, 2010, Ms. Ame LeCocq, Compliance Manager for Oil Re-Refining Company (ORRCO), contacted Dan Duncan, PCB Program Manager for Region 10, via telephone and email regarding her company receiving shipments of PCB contaminated waste oil from their customer in Salt Lake City, Utah. At the time of the conversation between Ms. LeCocq and Mr. Duncan, ORRCO could not identify the source of the PCB oils, but had concluded that it came from a customer in Salt Lake City (Attachment III). On February 26, 2010, Ms. LeCocq sent an email to Mr. Duncan listing the volume of used oil and the tank assignments that were contaminated by the PCB oil from Salt Lake City (Attachment IV).

The Environmental Protection Agency Region 10 (EPA) and the Oregon Department of Environmental Quality (ODEQ) conducted compliance inspections on March 4, 2010, and on March 10, and 11, 2010 (Attachment V All NOIs). During the March 4<sup>th</sup> and 10<sup>th</sup> inspection, Ms. LeCocq had prepared a summary of the events that lead up to the collection and distribution of the PCB contaminated oil from Salt Lake City. This information was later submitted to EPA in a written format on March 23, 2010 and was titled by Ms. LeCocq as a “Self-Disclosure Information” (Attachment VI). The document has no signature nor does it identify the author. During the March 10<sup>th</sup> inspection Ms. LeCocq identified herself as the author. I asked before she submits the document to EPA and ODEQ that she included copies of the referenced documents (i.e., bills of lading and lab reports) and submit it to me by March 24, 2010.

During each of the site visits on March 4, 10 and 11, 2010, EPA attempted to recreate the sampling data reported by ORRCO in the “Self-Disclosure Information” document (Self Disclosure). All of the PCB contaminated sample and the retain samples<sup>3</sup> ORRCO used to create the Self Disclosure document had been sent to their Lab and there are no samples or portions of the sample at the ORRCO facility in Portland, Oregon. The samples collected by EPA and ODEQ are under Attachment VII of this report. PCBs were detected in two of the EPA samples. These findings will be discussed later in this report.

During the March 10, 2010 inspection, Ms. LeCocq told Mr. David Wall, from ODEQ, and I (Bruce Long) that ORRCO had discovered more PCB contaminated oil from a client in Eugene, Oregon. The finding of this source of PCB contamination is summarized in a separate “Self-Disclosure” document (See Goshen Report).

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<sup>3</sup> A “retain” sample is a sample of used oil or processed used oil collected by ORRCO personnel for analysis to prove it meets RCRA On-Specification criteria for Used Oil. The eight-ounce jar is filled to approximately fifty percent of the jars volume. The jar is marked with a date of collection and a tracking number used to track the shipment of oil through the Re-refinery or processing plant. The label on the jar may also contain a Chlor’n oil concentration.

### Who Is ORRCO?:

ORRCO is made up of a number of business names and partnerships that are headed by Mr. Wilmer (Bill) L. Briggs (Attachment VIII). There are several unregistered companies still doing business in Oregon. Table II lists the known business names that Mr. Briggs is associated with in Oregon. Table II may not list all of the partnerships Mr. Briggs is involved with, but does identify the primary businesses that pick-up, transport, manages, process and sell used oils.

Table II – Know Business Names Used by Mr. Briggs

Business Name	Address	Used Oil Activity	Status
Fuel Processors, Inc.	4150 N. Suttle Rd. Portland	Transports, Processes	Merged under ORRCO
Merit USA, Inc.	4150 N. Suttle Rd. Portland	Manfg. Lube Oils	Former Merit Oil
Wevco Biodiesel Products	11535N. Force Ave Portland	Sells re-refined oils	50% partnership
Industrial Oils	1291 Laverne Klamath Falls	Transports, Processes	Merged under ORRCO
Consolidated Recyclers	11535N. Force Ave Portland	<i>Re-Refining Used Oils</i>	25% Partnership
Bio-Stim, Inc.	4150 N. Suttle Rd. Portland	Sells re-refined oils	
Energy & Materials Recovery (EMRI)	11535 N. Force Ave Portland	Transports, Processes	Formerly Harbor Oil
Harbor Oil	11535N. Force Ave Portland	Transports, Processes	Merged under EMRIO
Sustainable & Renewable Oils	Woodland Washington	Sells re-refined oils	
ORRCO	701 Bozarth Street Woodland, Washington	Transports, Processes	DBA in Oregon, but registered as a Washington State Company

All businesses are in Oregon unless noted. The full name for ORRCO is Oil Re-Refining Company as DBA in Oregon. The names in red are listed as active business in Oregon, all other s are dissolved

A more thorough search is needed for businesses and partnerships in the State of Washington, Idaho, Utah, and Montana. Mr. Briggs operates, either solely or as a partnership, a used oil processing plant in Montana, but the location is unknown at this time. Mr. Briggs had a partnership in a used oil processing facility in Hawaii, but the relationship is unknown at this time. Mr. Briggs, for conveyance, lists his used oil transporting, processing, and marketing under the name ORRCO on the bill of lading and invoices. However, record keeping may be under any one of the active or inactive business names listed in Table II.

### Document Review Findings:

Ms. Ame LeCocq, on behalf of ORRCO, has submitted a number of reports to EPA regarding the PCB contamination found in processed or re-refined oil at the Portland facility. This information is first summarized in the "Self Disclosure Information" (Self Disclosure) document EPA received on March 24, 2010 (Attachment VI).



On page 1 of the Self Disclosure, ORRCO transferred approximately 8,135 gallons of used oil from its Salt Lake City facility on January 27, 2010 (ORRCO Transfer Record T02-10-0127-001). This shipment was received under the business name Energy and Materials Recovery, Inc. (EMRI), which is located at 11535 N. Force Road, Portland, Oregon. According to the written document, the used oil was placed in Tank No. 6. A retain sample of the oil was collected and stored at the EMRI facility (Retain Sample No. 0210-0127-001). A second shipment of used oil from Salt Lake City arrived on January 29, 2010 (ORRCO Transfer Record T02-10-0129-001).

On January 29, 2010, EMRI reports receiving 5,900 gallons of used oil under Transfer Record T 02-10-0129-001. This oil is reported as being placed into Tank No. 13 (Attachment VI, Page 23). ORRCO had a retain sample of oil from this shipment as well (Retain Sample No. 1002492-04). On or around February 11, 2010, ORRCO discovered PCBs in the oil that was processed at its facility in Klamath Falls. At the time of the discovery of PCBs in the processed oil at Klamath Falls, the written document provided by ORRCO states that they began to investigate the source of the PCBs. The document states ORRCO began sampling various "retain samples" to identify where the PCB contaminated waste oil came from (Attachment VI, Page 24).

In the Self Disclosure document it is reported that the waste oil that came from Salt Lake City on January 27, 2010 has PCBs at 450 parts per million (ppm) and is broken down into two Aroclors; 270 ppm Aroclor 1242, and 180 ppm Aroclor 1254 (Attachment VI, Page 1, Page 8). Based on information ORRCO reports in the Self Disclosure, ORRCO discovered the customer in Salt Lake City had been generating PCBs in the waste oil at a concentration of 20,800 ppm (Attachment IX, Page 11). Region 8 had tested the waste oil at the customer's location and reported the PCBs are greater than 40,000 ppm.<sup>4</sup> On January 28, 2010, ORRCO reports the full content of Tank No. 6 was transferred to Tank No. 12 (Attachment VI, Page 1).<sup>5</sup>

There are some points of interest missing from the ORRCO "Self Disclosure." In the Self Disclosure document on page 1, it reports to EPA that the contents of Tank No. 6 were transferred to Tank No. 12 on January 28, 2010. However, then it is stated that only 60,000 gallons of used oil were processed through the Re-refinery from Tank No. 12. ORRCO did not provide EPA with a time line for the processing of the used oil through the Re-refinery. If we look at the production records provided to EPA, from January 28, 2010 to the date ORRCO claims to have discovered the PCBs in Klamath Falls, ORRCO, under the business name Consolidated Recyclers, processed approximately 134,461 gallons of used oil through the Re-refinery (Attachment X).

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<sup>4</sup> Need copy of Region 8 test results.

<sup>5</sup> ORRCO has not provided documents to EPA on the tank logs and the movement of used oils within the plant. This information is critical for identifying the volume of used oil that became contaminated from the PCBs from the Salt Lake City shipment on 1/27/2010 and to measure the volume of waste oil that was processed, burned, and later sold to customers.



Yet, the Self Discloser document reports only 60,000 gallons of used oil were processed through the Re-refinery (Attachment VI, Page 1). The Re-refinery was not shutdown when the PCBs were discovered on February 11, 2010. The Re-refinery log show the plant was shutdown on February 25, 2010 "due to PCBs" (Attachment X, Page 7). By the time the plant was shutdown on February 25, 2010, more than 250,000 gallons of used and waste oil had been processed (Attachment X, Page 1, and 2).<sup>6</sup>

In ORRICO's Self Disclosure, it reports that it believes none of the Re-refined oil was shipped to customers (Attachment VI, Page 1). The production records from the Re-refinery under Attachment X, Page 2, the diagram shows the volume of Re-refined oil that came off the Re-refinery between January 27, 2010 and February 25, 2010.<sup>7</sup> The diagram also shows how the Re-refined oil was broken down into different products and sold to customers or used as a fuel by ORRICO. Based on the Re-refinery production records, from January 27, 2010 to February 25, 2010, ORRICO either used as a fuel or sold products produced from the Re-refinery.<sup>8</sup> The products are; 53,864-gallons of Re-refined oil was burned to operate the Re-refinery, 193,302-gallons of Re-refined oil was sold to Tesoro, 500-gallons of Re-refined oil was sold to Merit USA, and 33,985-gallons of asphalt cutting oil was sold to Lundy Thasert (Attachment X, Page 1 and 2). In addition to these products, the Re-refinery produced approximately 193 gallons of water that was disposed at the Fuel Processers, Inc. facility located on Suttle Road (Attachment X).

Tank No. 12 at the former Harbor Oil facility on N. Force Road (operated either under ORRICO or under EMRI) is used to Store "Drain Oil." Under EPA regulations, this is "Used Oil." The total shell capacity of Tank No. 12 is 200,000 gallons. Before any used oil, or drain oil, is sent to the Re-refinery, it must meet specifications for water content, pH, and total Halides.

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<sup>6</sup> The information EPA needs to track the oil going into the Re-refinery is copies of the tank logs and volumes of oil feed into the Re-refinery. The tank log should cover the period January 15, 2010 to February 26, 2010. Two tanks; Tank No. 17 and No. 18 only feed the Re-refinery. Tank No. 12 as noted in the Self Disclosure document does not feed the Re-refinery. The tank log must show which tanks are feeding Tanks No. 17 and No. 18 to know the volume of used oil and PCB contaminated oil that was processed through the Re-refinery. What we need to see in the documents held at ORRICO, is when Tank No. 12 first feed Tanks No. 17 and No. 18 after the PCBs were received at the EMRI facility on January 27, 2010. In addition, the tank logs should show the volume of oil that was in Tank No. 12 on the date Tank No. 6 was added.

<sup>7</sup> Encore Energy, a company that owns seventy-five percent of the Re-refinery operated by ORRICO at the Harbor Oil facility (AKA EMRI), gave the production records to EPA. ORRICO is not aware that EPA has these documents.

<sup>8</sup> The records or Tank Logs should show when the contents of Tank No. 6 were transferred to Tank No. 12 and when Tank No. 12 was transferred to either Tank No. 17 or No. 18. The feed rates from the production records EPA currently has will show when the used oil went through the Re-refinery. From this date we would know when the contaminated shipment from Salt Lake City was put through the Re-refinery. The next sets of documents held by ORRICO are the sells records for the products produced during this period.

The Re-refinery plant operator adjusts these constituents by either blending various loads of used oil or the used oil is first processed in a "Cooker" that reduces the volume of water and filters out solids. The actual feed tanks to the Re-refinery are Tank No. 17 and No. 18.<sup>9</sup> In order to meet the specifications required by the owner of the Re-refinery (Encore Energy), the plant operator must have some analysis of the oil before it is fed into the Re-refinery from Tanks No. 17 and No. 18. This information has not been shared with EPA and is not identified in the Self Disclosure document.<sup>10</sup>

Mr. Jeffery Fery was the main operator of the Re-refinery and was let go prior to ORRCO notifying EPA about the PCB contamination in the used oil. In addition to knowing the used oil feed properties, when ORRCO sells the re-refined oil (RFO), the RFO must meet customer specifications.

According to Mr. Randy Soule of Encore Energy, ORRCO would need to test the oil before it was sold to ensure it met customer specifications. ORRCO has not provided EPA with any testing of the RFO that was sold to Tesoro, Merit USA and Lundy Thasert for this period. We know from production records provided to EPA that 193,302-gallons of Re-refined oil was sold to Tesoro, and 33,985-gallons of asphalt cutting oil was sold to Lundy Thasert (Attachment X, Page 1 and 2).

Merit USA<sup>11</sup> is a Mr. Briggs company and they used the 500-gallons of RFO to produce lube oils. During the EPA and ODEQ inspections, Ms. LeCorq told me (Bruce Long) that Merit USA was a leased business and she had no knowledge of the operation, even though it was operating at the same facility where she worked.

In addition to the used oil that was processed through the Re-refinery, ORRCO or EMRI claims to have sold unprocessed used oil directly from Tank No. 12 to Wevco Biodiesel Products, LLC (WBP). In the Self Disclosure document, these shipments of unprocessed used oil occurred on February 12, 2010 and February 18, 2010 (Attachment VI, Page 1). WBP is a fifty percent partnership between Mr. Wilmer (Bill) Briggs and an unknown person.<sup>12</sup> WBP is physically located on the same property as EMRI and Consolidated Recycling. Thus, the so-called shipments of used oil from EMRI to WBP did not travel very far. WBP sells re-refined oil to customers for use as a biodiesel fuel. WBP does not produce biodiesel, but sells V2 and V4 grade diesel to those customers that do manufacture biodiesel.<sup>13</sup>

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<sup>9</sup> This information is taken from the SPCC Plan developed by ORRCO and dated September 2007.

<sup>10</sup> This information may be collaborated with a former ORRCO employee, Mr. Jeffery Fery and with Mr. Randy Soule with Encore Energy. Mr. Jeffery Fery's personal contact information is on file with EPA. Mr. Randy Soule can be contacted at 775-852-2295. Encore Energy is located at 5425 Louie Lane, Suite B Reno, Nevada 89511.

<sup>11</sup> Merit USA, EMRI and ORRCO have "retain Samples," an 8 ounce jar of the re-refined oil, stored at the N. Force Road facility. EPA needs to sample this material for PCBs.

<sup>12</sup> Email from Ame LeCocq to Bruce Long April 20, 2010.

<sup>13</sup> Information found on WBP website; <http://www.wevcobiodiesel.com/index.html>



In the Self Disclosure document (Attachment VI, Page 1); ORRCO reports that two shipments of used oil from Tank No. 12 were sold to WBP. The volume of used oil that was claimed to have been shipped to WBP is 9,435 gallons. ORRCO has yet to identify to EPA what WBP did with the used oil taken from Tank No. 12 after the January 27, 2010 shipment of PCBs were placed in Tank No. 12.<sup>14</sup>

As previously noted, EMRI received approximately 5,900 gallons of used oil mixed with PCBs on January 29, 2010 (Transfer Record T 02-10-0129-001) and that shipment was placed into Tank No. 13 (Attachment VI, Page 23). It is reported in the Self Disclosure document, that January 29, 2010 shipment of used oil from Salt Lake contained 310 ppm PCBs.<sup>15</sup> Roughly, the same ratio of Aroclors that were found in this shipment received on January 27, 2010 (Attachment VI, Page 23). ORRCO reports to EPA that approximately 8,456-gallons from Tank No. 13 were shipped to Klamath Falls, Oregon on February 1, 2010 (Transfer Record T 03-10-0201-005). A second shipment of used oil from Tank No. 13 was sent to Klamath Falls on February 2, 2010. The second load contained 8,180-gallons of used oil from Tank No. 13 (Transfer Record T 02-10-0202-003). ORRCO did not provide any records to show that the contents of Tank No. 13 were later transferred to Tank No. 12 or to Tanks No. 17 and No. 18 during this period.<sup>16</sup>

Once the shipments from Tank No. 13 arrived in Klamath Falls they were placed in a process called a "Cooker." The "Cooker" reduces the volume of water in the used oil and later screens the oil to reduce solids.<sup>17</sup> ORRCO's Klamath Falls facility then returned approximately 35,418-gallons of processed used oil back the EMRI facility in Portland and sold approximately 14,350-gallons to local customers. There is no explanation in the Self Disclosure, but one must assume that the used oil from Tank No. 13 in Portland was mixed with used oil collected in the Klamath Falls area to equal this larger sum.

In the ORRCO Self Disclosure document, ORRCO identifies that four shipments of processed used oil from the Klamath Falls facility were returned on February 9, 2010 and February 16, 2010. ORRCO notes in the document on page 24, last paragraph, that on February 11, 2010, approximately 9,916 gallons of processed used oil was on route to a customer (Blue Sky in Spokane, WA.), but was returned to the Klamath Falls facility because of the known PCB contamination. On February 18, 2010, ORRCO delivered two shipments of processed used oil to two customers (Waste Management, Inc. and Floyd A. Boyd Company). This is after ORRCO knew of the PCB contamination.

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<sup>14</sup> WBP claims to sell a diesel that is free of water and capable of burning in off and on-road vehicles. This would imply they are selling re-refined oil. The WBP operates from the N. Force Road facility operated by Mr. Briggs. The oil that was shipped to WBP from EMRI had to have been delivered to the same location. ORRCO provides no explanation about the two shipments of used oil to WBP. WBP needs to provide EPA with records of the disposal or this used oil that is contaminated with PCB greater than 450 ppm.

<sup>15</sup> This information on the concentration is based solely on the lab reports ORRCO provided EPA.

<sup>16</sup> By obtaining all of the tank logs that record the incoming and movement of used oil throughout the plant, this information could be confirmed.

<sup>17</sup> The solids are drummed and later burned in a rotary kiln operated by Mr. Briggs. The kiln is located in Portland, Oregon at 4150 N. Suttle Road. Portland, Oregon.



ORRCO reports that its Klamath Falls facility does weekly production sampling to confirm the processed used oil meets RCRA's On-Specification criteria (Attachment VI, Page 23). An ORRCO employee (Attachment VI, Page 23) later falsified the weekly production sample that was completed on February 8, 2010 for the processed used oil at the Klamath Falls facility. ORRCO shipped processed used oil from its Klamath Falls facility to customers after the shipment that was destined for Blue Sky Industries and halted because of the known PCB contamination (Attachment VI, page 23). Table III summarizes the shipments of processed used oil from the Klamath Falls facility after the arrival and processing of the known PCB waste oils that came from Salt Lake City.

Table III – Shipments of Processed Used Oil from Industrial Oils

Date	Customer	Volume - Gals	Notes
2/11	Blue Sky Industries	9,916	ORRCO Stopped Delivery – knew about PCBs <sup>18</sup>
2/11	Dahlstrom Bulb Farm	1,500	All fuel was burned by the Customer
2/9	EMRI - Portland	8,365	Placed in Tank No. 12 in Portland
2/9	EMRI - Portland	8,855	Placed in Tank No. 12 in Portland
2/9	EMRI - Portland	8,862	Placed in Tank No. 12 in Portland
2/13	Cornerstone Industries	3,461	Shipped after ORRCO new of the PCBs
2/15	Jasper Wood Products	6,546	Shipped after ORRCO new of the PCBs
2/16	EMRI - Portland	8,336	Placed in Tank No. 5 in Portland
2/18	Waste Management	700	Shipped after ORRCO new of the PCBs
2/18	Floyd A. Boyd	630	Shipped after ORRCO new of the PCBs

These shipments took place after the employee falsified the sampling documentation on 2/8/2010.

At this point, we have only two samples that were collected by ORRCO for the waste oil that came from Salt Lake (Tank No. 13 in Portland, Oregon) and processed in the Klamath Falls facility. EPA has not inspected the Klamath Falls facility, nor has EPA obtained any samples from the Klamath Falls operations. The two samples consists of the weekly production sample that covered the processing of the two shipments of used oils from Tank No. 13 at the EMRI facility and one retain sample for a load of processed used oil that was returned to the EMRI facility on February 16, 2010. The weekly production sample lists the PCBs at 15-ppm total PCBs (Aroclor 1242 – Attachment VI, Page 24). The second sample is from a retain sample (Sample No. 1002333-02) that ORRCO collected on the delivery of the processed used oil returned to Portland on February 16, 2010 (Attachment VI, Page 62). That sample is reported to contain PCBs at 11 ppm.

<sup>18</sup> Need to get copies of telephone logs or interview drive as to when the shipment was stopped.

EPA Inspection Findings:

During each of the site visits to the Portland facilities operated by Mr. Briggs, I presented a Notice of Inspection, Confidentiality Notice and a Receipt for Samples and Documents (Attachment V). I confirmed with Ms. Ame LeCocq that she had the authority to grant us access to the facility before she signed the Notice of Inspection. She stated that she did have that authority. I presented my credentials upon each visit. I also gave employees that we met during the inspection a business card. On our second site visit, March 9, 2010, Mr. Briggs had his attorney present; the attorney is Mr. Christopher Harris. Ms. Ame LeCocq accompanied us throughout this inspection. Mr. Dave Wall accompanied me (Bruce Long) on each visit and Mr. Wall recorded compliance or non-compliance with the State of Oregon's Used Oil and Hazardous Waste Management Rules.

March 4, 2010:

During this visit, I tried to secure copies of documentation or records that were used to track the PCB waste oils that came from Burly Seals Products (Burly Seal) in Tooele, Utah. The goal is to try to measure the concentration of PCBs in the waste oil stored at the N. Force Road facility and to document the volume of PCB contaminated waste oil that may have been processed and sold.

ORRCO did its own investigation to identify the source of the PCBs that came from Salt Lake City. ORRCO reports to EPA that the source was a longtime customer, Burly Seal located in Tooele, Utah (Attachment IX). ORRCO has been picking up waste oils from Burly Seals for several years. Documents that Ms. LeCocq provided, show ORRCO had a "Waste Profile" on the company dated April 6, 2007<sup>19</sup> (Attachment IX, Page 4). ORRCO did not provide EPA with the number of waste oil pickups in 2007 from Burly Seal. Ms. LeCocq stated in an email to EPA that ORRCO did not pick up any waste oils from Burly Seal in 2008 (Attachment IX). At this time, there is documentation that ORRCO picked up one shipment in 2009 (Attachment IX, Page 12).

During the inspection on March 4, 2010, Ms. LeCocq stated to me and provided a copy of the ORRCO's standard operating procedures (SOPs) for drives when picking up used oil shipments at customers facilities (Attachment XIII). In addition, Ms. LeCocq provided a copy of the SOPs that are followed before a shipment of used oil is received at its facilities.

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<sup>19</sup> It is possible that Burly Seal Products has had its waste oils picked up by ORRCO for more than five years. The driver, Mr. Thorpe Cox could provide EPA the answer to this question. In addition, Mr. Cox would have been the person that reviewed the process at Burly Seal Products when the account was created.



According to documents filed with EPA and the Oregon Department of Environmental Quality (ODEQ), ORRCO states it is the first person to claim the used oil it picks up, transports, processes and markets meets the RCRA On-specification criteria<sup>20</sup> (Attachment I). ORRCO, at its Portland facilities, operates as a marketer and burner of used and waste oils (Attachment I). The SOPs ORRCO provided EPA and ODEQ set up two procedures for accepting waste oil from customers; one procedure for drivers and one for the processing plants (Attachment XIII).

The first procedure is the drivers SOPs. The drivers are paid on commission and must do sales calls to get additional sources of used and waste oils to increase their pay. In this process, drivers making sales calls must interview the potential customer about the manufacturing process to complete a "Waste Profile Sheet." The Profile includes a description of the process and an analysis of the waste oil (Attachment IX, page 4). The Burly Seal profile that was completed in April 2007, describes the process as "Used Oil from a press and machines that makes rubber gaskets." The waste stream at Burly Seal is hydraulic oil mixed with stream (water). In the analysis section of the form, it has the used oil containing fifty percent water and a Clor D-Tect Test was completed on April 14, 2007.<sup>21</sup> The Profile list the Clor D-Tect<sup>22</sup> test results as greater than 300 ppm. A similar profile was completed on June 18, 2009, but the percent of water is now seventy percent and the Clor D-Tect results are less than 200 ppm. The Profile document does not identify any information about PCBs and there is no follow-up analysis or other documentation collected from the generator to refute the presence of PCBs in the waste oil from Burly Seal Products.<sup>23</sup>

The only bill of lading provided to EPA for waste oil pickups at Burly Seal was the most recent pickup on January 20, 2010. ORRCO picked up approximately 300 gallons of waste oil (Attachment IX, Page 7). The driver, Mr. Thorpe Cox, documents on the bill of lading that he tested the waste oil using the Hydroclor-Q test kit and reports the results less than 200 ppm. This kit is inferior for detecting PCBs. The Hydroclor-Q Kit only tests for soluble organic chlorine (Attachment XII). ORRCO has not provided EPA with a sample of the retain sample from Salt Lake City. According to the ORRCO SOPs, because there was no change in the process that generates the waste oil at Burly Seal, all subsequent profiles use the same information as the original and just have a new signature from the customer (Attachment IX, page 6).

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<sup>20</sup> This also applies to used oil under 40 CFR 761, where all used oil that is burned for energy recovery is assumed to contain quantifiable levels of PCBs (40 CFR 761.20(e)(2)).

<sup>21</sup> This test is believed to have been completed by Mr. Thorpe Cox, a driver for ORRCO in Salt Lake City.

<sup>22</sup> We need to know which Clor D-Tect Kit was used by ORRCO on April 14, 2007. There are two kits for measuring total halides in used oil; one kit for used oil and one kit for used oil mixed with water. If the Hydroclor Kit was used, the results from the reading of the syringe should have been multiplied by a factor of 0.75, which means the results would have been high than what was reported on the Waste Profile.

<sup>23</sup> For each pickup of waste oils from Burly Seals in 2007 and 2009, a bill of lading should have been prepared with Clor D-Tect Analysis. When the driver brought the waste oil to the tank farm in Salt Lake, he should have collected a "Retain Sample of the oil. Those retain samples are stored for 3 to 5 years.



In addition to the January 20, 2010 pickup of waste oil from Burly Seal, ORRCO picked up waste on January 22, 2009, June 18, 2009, and on September 23, 2009. Table IV lists the volumes for each pickup. During the past year, ORRCO picked up approximately 1510-gallons of waste oil from Burly Seal.

Table IV – Waste Oil Pickups from Burly Seal Products<sup>24</sup>

Date	Volume in Gallons	Invoice No.
01/22/2009	330	10090122001
06/19/2009	300	10090618001
09/23/2009	580	10090923001
01/20/2010	300	10100120001

In addition to the waste oils, ORRCO also picked up four barrels of oil solids on June 18, 2009. ORRCO did not provide the profile nor how these solids were disposed.

ORRCO reported five shipments of Used Oil (waste oil) from Salt Lake were received in Portland and Klamath Falls following the pickup of PCB waste oils from Burly Seal (Attachment VI). The Plant Transfer Detail Log shows seven shipments after the January 20, 2010 pickup at Burly Seal (attachment XIV, Page 2). Table V summarizes those shipments and notes the Transfer Ticket Number for identifying the retain samples stored at the ORRCO facility and to locate the original customers that supplied the used or waste oil.

Table V – Shipments of Waste Oil from SLC to Oregon

Ship Date	Volume	Transfer No.	Rec'd Facility <sup>25</sup>	CDT Results <sup>26</sup>	PCBs
01/22/2010	5,800-gals	02100122001	EMRI	None	No Test
01/27/2010	8,134-gals	02100127001	EMRI		450 ppm
01/29/2010	5,900-gals	02100129001	EMRI		310 ppm
02/03/2010	3,000-gals	02100203001	EMRI		<1.0 ppm
02/09/2010	6,400-gals	03100209001	IOI	200 ppm	No Test
02/17/2010	5,900-gals	02100217002	EMRI		<1.0 ppm
02/23/2010	3,000-gals	01100223001	FPI		No Test

All PCB samples and tests are from ORRCO's self-investigation.

Findings from March 10<sup>th</sup> and 11<sup>th</sup>, 2010:

The focus for these visits was to locate and sample waste oil coming in from customers and those retain samples from the shipment from Salt Lake. Not all of the information noted above was available at the time of these inspections.

<sup>24</sup> See Attachment XIV billing records for Burly Seal Products.

<sup>25</sup> IOI is Industrial Oil in Klamath Falls, EMRI is at N. Force Rd., and FPI is Fuel Processors on Suttle Rd.

<sup>26</sup> This is the recorded Clor D-Tect Test. This information should be noted on the retain sample jar and on the Transfer Ticket.

Table VI is a summary of EPA's sample results from the waste oil samples collected at the ORRCO facilities. Samples were collected at the Fuel Processors facility located on N. Suttle Road and the EMRI facility located on N. Force Road, both in Portland, Oregon.

Table VI – EPA Sample Results.

Date	EPA No.	ORRCO No.	CDT	Source	PCB - Total
3/10/2010	10104400	S01-10-0228-001	800 ppm	Incoming	
3/10/2010	10104401	10020	500 ppm	RFO	
3/10/2010	10104402	01-10-0117-001	N/A	RFO	
3/10/2010	10104403	01-10-0122-001	40 ppm	RFO	
3/11/2010	10104404	01-10-0411-001	None	Incoming	
3/11/2010	10104405	FPI Solids	N/A	Solids @ FPI	
3/11/2010	10104406	INO#0202-001	None	RFO	
3/11/2010	10104407	RFO – WBP	900 ppm	RFO	15 ppm
3/11/2010	10104408	0210-0206-003	700 ppm	Incoming	2.2 ppm
3/11/2010	10104409	0209-1217-002	0 ppm	Incoming	
3/11/2010	10104410	0301-002	220 ppm	Incoming	
3/11/2010	10104411	0210-0304-001	0 ppm	RFO	
3/11/2010	10104412	0210-0218-005	0 ppm	RFO <sup>27</sup>	
3/11/2010	10104413	0216-002	0 ppm	RFO	

Follow-up:

Once EPA had received the sample results from its Lab and the additional documents from ORRCO, another site visit was scheduled to review the follow;

- 1 – Tank Logs at the EMRI facility for the movement of waste oil within the plant and document the volume of waste oil processed. This would also include sampling retain samples of RFO.
- 2 – Sample all tanks in use at EMRI and FPI.
- 3 – Get records on customers that received RFO under batch RFO-WBP and copies of notification to burn off-specification used oil.
- 4 – Sample retain samples for those shipments of waste oils from SLC and IOI that were not sampled during the know movement of Burly Seal waste Oil.
- 5 – Sample old retain samples from SLC (See Plant Transfer Log).
- 6 – Conduct Sampling event at ORRCO Goshen facility.
- 7 – Conduct compliance inspection at the Klamath Falls facility.

<sup>27</sup> ORRCO did spilt samples and they report this RFO had PCBs at 9.2 ppm.

